

PATENT COOPERATION TREATY

From the:
INTERNATIONAL SEARCHING AUTHORITY

To: Schuch & Company PO Box 10 615 Wellington New Zealand		<h2 style="margin: 0;">PCT</h2> <p style="margin: 10px 0;">WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY</p> <p style="margin: 10px 0;">(PCT Rule 43bis.1)</p>	
		Date of mailing (day/month/year) 14 MAR 2005	
Applicant's or agent's file reference DSH001		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/NZ2004/000337	International filing date (day/month/year) 23 December 2004	Priority date (day/month/year) 23 December 2003	
International Patent Classification (IPC) or both national classification and IPC Int. Cl. ⁷ B65D 88/26, 88/54, B65G 47/19			
Applicant DSH SYSTEMS LIMITED et al			

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JAGDISH WABLE Telephone No. (02) 6283 2638
---	--

BEST AVAILABLE COPY

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/NZ2004/000337

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

BEST AVAILABLE COPY

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/NZ2004/000337

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	YES
	Claims 1-18	NO
Inventive step (IS)	Claims	YES
	Claims 1-18	NO
Industrial applicability (IA)	Claims 1-18	YES
	Claims	NO

2. Citations and explanations:

NOVELTY Claims 1-18

Claims 1-18

D1-Derwent Abstract Accession No. 99-296279/25, Class Q34, JP 11100091 A
(TSUKISHIMA KIKAI CO LTD) 13 April 1999
Abstract

D2-Derwent Abstract Accession No. 2003-883349/82, Class A31 B07 J02,
JP 2003231587 A (TSUKISHIMA KIKAI CO LTD) 19 August 2003
Abstract

Claims 1-5, 9, 10, 15, 16 and 18

D3-Derwent Abstract Accession No. 87-191035/27 A, Class Q31, SU 1271-789 A
(KHACHATURYAN) 23 November 1986
Abstract

D4-Derwent Abstract Accession No. 92-165408/20, Class Q35, SU 1668257 A1
(DON POLY GORLOVO SECT) 7 August 1991
Abstract

D5-EP 1038802 B1 (SEMENENKO) 14 August 2002
Whole document

D6-GB 2256427 A (B & K ENGINEERING CO) 9 December 1992
Page 6, lines 15-22; figures 1, 2

D7-EP 498474 B1 (DEERE & COMPANY ET AL) 1 March 1995
Whole document

D8-EP 389919 B1 (DEERE & COMPANY ET AL) 4 August 1993
Whole document

D9-Derwent Abstract Accession No. L3095 E/34, Class Q34, SU 874497
(AGRIC CONS DES RES) 28 October 1981
Abstract

BEST AVAILABLE COPY

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International Application No.

PCT/NZ2004/000337

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

These documents disclose all of the features of the claimed invention. For example D1 shows a discharge device in figure 1 for powdery substance having a hopper 1 with a discharge outlet 3 at the base of the hopper, a valve 4 that moves vertically to adjust the gap between the hopper 1 and the valve 4 to control the rate of discharge of material through the gap. This process of discharging is controlled by a computer 30 according to the signal received by the weight measuring instrument 29.

INVENTIVE STEP Claims 1-18

As above.

BEST AVAILABLE COPY